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SPRING VALLEY HOSPITAL MEDICAL CENTER

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHELLE E. BUTTS, individually and as
Special Administratrix of the Estate of DAVID
PAUL BUTTS, Deceased, and as Guardian of
Minor heirs LISA M. BUTTS, RENEE E. BUTTS,
DENNIS W. BUTTS, and STEPHANIE R. BUTTS;
CHRISTOPHER M. BUTTS; STEPHEN P. BUTTS;
and ERIC D. BUTTS;

2:05-cv-01434

Plaintiffs.

VS

UNIVERSAL HEALTH SERVICES, INC.,
a Delaware corporation; UHS OF DELAWARE, INC.,
a Delaware corporation, Management Subsidiary of
UNIVERSAL HEALTH SERVICES INC.; VALLEY
HEALTH SYSTEM, LLC, a Delaware Limited
Liability Company, doing business as SPRING
VALLEY HOSPITAL MEDICAL CENTER, a wholly
Owned subsidiary of UNIVERSAL HEALTH
SERVICES, INC.; JANIE KWAK-TRAN, M.D.;
and NURSES 'R' SPECIAL, INC., a Nevada
corporation,

Defendants.

**ANSWER AND AFFIRMATIVE DEFENSES
OF DEFENDANT SPRING VALLEY HOSPITAL MEDICAL CENTER**

Defendant Universal Health Services, Inc., d/b/a Spring Valley Hospital Medical Center

1 (hereinafter "Spring Valley"), by and through its attorneys, Hall Prangle & Schoonveld, LLC,
2 respectfully submits its Answer and Affirmative Defenses to Plaintiffs' Amended Complaint:
3
4

I

5 In answering Paragraph I of Plaintiffs' Complaint, these answering Defendants admit that
6 Universal Health Services, Inc., UHS of Delaware, Inc., and Valley Health Systems, LLC are all
7 Delaware Corporations doing business in the State of Nevada. As to the remainder of the
8 allegations, Defendant Spring Valley Hospital is without sufficient information to form a belief
9 as to the truth of the allegations and therefore denies the same.
10

II

12 In answering Paragraph II of Plaintiffs' Complaint, these answering Defendants admit
13 that Universal Health Services, Inc., UHS of Delaware, Inc., and Valley Health Systems, LLC
14 are all Delaware Corporations doing business in the State of Nevada.
15

III

17 In answering Paragraph III of Plaintiffs' Complaint, these answering Defendants are
18 without sufficient information to form a belief as to the truth of the allegations and therefore
19 denies the same.
20

IV

22 In answering Paragraph IV of Plaintiffs' Complaint, these answering Defendants are
23 without sufficient information to form a belief as to the truth of the allegations and therefore
24 denies the same.
25

V

27 In answering Paragraph V of Plaintiffs' Complaint, these answering Defendants are
28 without sufficient information to form a belief as to the truth of the allegations and therefore

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1 denies the same.

2 **VI**

3 In answering Paragraph VI of Plaintiffs' Complaint, these answering Defendants deny the
4 allegations contained therein.

5 **VII**

6 In answering Paragraph VII of Plaintiffs' Complaint, these answering Defendants are
7 without sufficient information to form a belief as to the truth of the allegations and therefore
8 denies the same.

9 **VIII**

10 In answering paragraph VIII of Plaintiffs' Complaint, this answering Defendant denies
11 each and every allegation contained therein.

12 **IX**

13 In answering paragraph IX of Plaintiffs' Complaint, this answering Defendant denies
14 each and every allegation contained therein.

15 **X**

16 In answering Paragraph X of Plaintiffs' Complaint, these answering Defendants are
17 without sufficient information to form a belief as to the truth of the allegations and therefore
18 denies the same.

19 **XI**

20 In answering Paragraph XI of Plaintiffs' Complaint, these answering Defendants are
21 without sufficient information to form a belief as to the truth of the allegations and therefore
22 denies the same.

23

24

XII

In answering Paragraph XII of Plaintiffs' Complaint, these answering Defendants are without sufficient information to form a belief as to the truth of the allegations and therefore denies the same.

XIII

In answering paragraph XIII of Plaintiffs' Complaint, this answering Defendant states that it is without sufficient information to form a belief as to the truth of the allegations contained therein and therefore denies the same.

XIV

In answering Paragraph XIV of Plaintiffs' Complaint, these answering Defendants are without sufficient information to form a belief as to the truth of the allegations and therefore denies the same.

XV

In answering Paragraph XV of Plaintiffs' Complaint, as pertaining to these answering Defendants, these answering Defendants deny each and every allegation contained therein; as to the remainder of Defendants, these answering Defendants are without sufficient information to form a belief as to the truth of the allegations contained therein, and therefore denies the same. These answering Defendants further deny paragraph 5 (a) – (c) and 6, inclusive, of the expert affidavit of Robert F. Busch. As to the remaining paragraphs of the affidavit of Robert F. Busch, these answering Defendants are without sufficient information to form a belief as to the truth of the allegations contained therein, and therefore deny the same.

1
2 **XVI**
3

4 In answering Paragraph XVI of Plaintiffs' Complaint, as pertaining to these answering
5 Defendants, these answering Defendants deny each and every allegation contained therein; as to
6 the remainder of Defendants, these answering Defendants are without sufficient information to
7 form a belief as to the truth of the allegations contained therein, and therefore deny the same.

8 **XVII**
9

10 In answering Paragraph XVII of Plaintiffs' Complaint, as pertaining to these answering
11 Defendants, these answering Defendants deny each and every allegation contained therein; as to
12 the remainder of Defendants, these answering Defendants are without sufficient information to
13 form a belief as to the truth of the allegations contained therein, and therefore deny the same.

14 **XVIII**
15

16 In answering Paragraph XVIII of Plaintiffs' Complaint, as pertaining to these answering
17 Defendants, these answering Defendants deny each and every allegation contained therein; as to
18 the remainder of Defendants, these answering Defendants are without sufficient information to
19 form a belief as to the truth of the allegations contained therein, and therefore deny the same.

20 **XIX**
21

22 In answering Paragraph XIX of Plaintiffs' Complaint, as pertaining to these answering
23 Defendants, these answering Defendants deny each and every allegation contained therein; as to
24 the remainder of Defendants, these answering Defendants are without sufficient information to
25 form a belief as to the truth of the allegations contained therein, and therefore deny the same.

26 **XX**
27

28 In answering Paragraph XX of Plaintiffs' Complaint, as pertaining to these answering

1 Defendants, these answering Defendants deny each and every allegation contained therein; as to
2 the remainder of Defendants, these answering Defendants are without sufficient information to
3 form a belief as to the truth of the allegations contained therein, and therefore deny the same.

4 **AFFIRMATIVE DEFENSES**

5 **First Defense**

6 The Complaint fails to state a claim against Spring Valley Hospital upon which relief can
7 be granted.

8 **Second Defense**

9 Spring Valley Hospital asserts any and all statutes of limitation, limitations of action,
10 defenses in abatement, estoppel, laches and statutes of repose including those provisions
11 available to Spring Valley Hospital under the Federal Rules of Civil Procedure, the Nevada
12 Rules of Civil Procedure, and the Nevada Supreme Court Rules, in full avoidance of any and all
13 claims or causes of action.

14 **Third Defense**

15 Spring Valley Hospital would show the sole proximate cause of the injuries and damages
16 complained of was the negligence of other persons, firms, or corporations for which Spring
17 Valley is not responsible as a matter of law and should be apportioned pursuant to Nevada law.

18 **Fourth Defense**

19 Spring Valley Hospital would show the sole proximate cause of the injuries and damages
20 complained of was the negligence of David Paul Butts and/or his beneficiaries and if said
21 negligence was not the sole proximate cause, then it constituted a major contributing cause
22 thereto.

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Fifth Defense

Spring Valley Hospital exercised that reasonable degree of skill and care expected of and required of professionals in the same or similar field in the same or similar circumstances.

Sixth Defense

Pursuant to NRCP 11, as amended, all possible Affirmative Defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of Defendant's Answer, and therefore, Defendant reserves the right to amend its Answer to allege additional Affirmative Defenses if subsequent investigation warrants.

WHEREFORE, Defendants pray for judgment as follows:

1. That Plaintiffs take nothing by virtue of their Amended Complaint;
2. For reasonable attorney's fees and costs of suit incurred herein; and
3. For such other and further relief as the Court deems just and proper.

DATED this 18th day of September, 2007.

HALL PRANGLE & SCHOONVELD, LLC

By:



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CERTIFICATE OF MAILING

I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD, LLC; that service of the foregoing **THE ANSWER AND AFFIRMATIVE DEFENSES OF SPRING VALLEY HOSPITAL AND MEDICAL CENTER DEFENDANTS** was made on the 18 day of September, 2007 by depositing a true copy of same in a sealed envelope, postage pre-paid, in the United States Mail, at Las Vegas, Nevada, addressed as follows:

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Nurses 'R' Special, Inc.*

An Employee of HALL PRANGLE & SCHOONVELD, LLC